

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 4-13, 15-24, 26-37, 39-42, 44, and 45 are currently pending in the present application; Claims 3, 14, 25, 38, and 43 are canceled by the present amendment; and independent Claims 1, 12, 23, 36, and 41 are amended along with dependent Claims 4, 6, 15, and 26. Support for the amendments is found at least in the originally filed claims. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-8, 10-19, 21-30, 32-33, and 36-45 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bunnell et al. (U.S. Patent No. 5,594,903, hereafter “Bunnell”) in view of Ozawa et al. (U.S. Patent No. 6,343,379, hereafter “Ozawa”) and Claims 9, 20, 31, 34, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bunnell in view of Ozawa and Kalwitz et al. (U.S. Patent No. 5,815,722, hereafter “Kalwitz”).

In response to the rejection of Claims 1-8, 10-19, 21-30, 32-33, and 36-45 under 35 U.S.C. § 103(a), Applicant respectfully traverses this rejection for the following reasons. Amended Claim 1 recites, in part, a system for downloading a program for download, said system comprising a writing unit which writes the received program for download onto said first recording section according to the program for executing writing that has been stored in said second recording section, and a download result storage unit, which stores a status of the writing of the program for download carried out by said writing unit. Independent Claims 12, 23, 36, and 41 include similar features. Therefore arguments made on behalf of Claim 1 also apply to independent Claims 12, 23, 36, 41, and claims dependent therefrom.

Initially, Applicant notes the Office Action at page 6, lines 1-6, asserts Ozawa describes a download result storage unit, which stores a status of the writing of the program

for download by describing a body flag, loader flag, and an immediately-after-loader-change-flag in column 6, lines 38-67 of Ozawa. Applicant respectfully disagrees. Storing a status of the writing of the program for downloading is different from the body flag, loader flag, and immediately-after-loader-channel flag because these flags are mere repeated attempts at the rewriting of a loader at the time of restarting of a digital broadcasting receiver 20, when a loader flag is set as invalid.¹ Furthermore, a status is different from a flag because a status includes more information than just a flag. In a non-limiting example, a status includes information required by the engine controller 301 to redownload the control program after a system crash so that the CPU 301a loads the program for receiving a program and the like, from the flash EEPROM 301b onto the RAM 301c, and obtains the new control program from the host computer 101.² The new control program can be downloaded from another computer or the like using a minimum of programs left in the predetermined area of the flash EEPROM 301b.³ Therefore, the status in Claim 1 is different from the flags described in Ozawa.

Accordingly, as not every element of Claim 1 is identified in the combination of Bunnell and Ozawa, Claim 1 is not obvious. It is therefore respectfully requested that the rejection of Claims 1-8, 10-19, 21-30, 32-33, and 36-45 under 35 U.S.C. § 103(a) over Bunnell in view of Ozawa be withdrawn.

In response to the rejection of Claims 9, 20, 31, 34, and 35 under 35 U.S.C. § 103(a), Applicant respectfully traverses this rejection. As discussed above, Claim 1 is believed to be allowable. Further, it is respectfully submitted that Kalwitz does not supply the claimed feature identified as deficient in Bunnell and Ozawa.

It is therefore respectfully requested that the rejection of Claims 9, 20, 31, 34, and 35 under 35 U.S.C. § 103(a) over Bunnell in view of Ozawa and Kalwitz be withdrawn.

¹ Ozawa, col. 2, lines 23-27, col. 2, lines 28-46, col. 6, lines 38-54, col. 6, lines 55-67, and col. 7, lines 5-10.

² Specification, page 25, line 15, to page 26, line 15.

³ Specification, page 25, line 15, to page 26, line 15.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

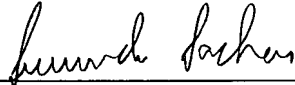
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